

# MOSES & SINGER LLP

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May 20, 2021

**SENT VIA ECF**

Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**MEMO ENDORSED**

**Re: United States v. Ariel Tavarez  
1:19 Cr. 00690 (KPF)**

Dear Judge Failla:

On behalf of my client, Ariel Tavarez, and with the Government's consent, I would respectfully request that defense motions, the corresponding motion schedule and court conference be extended based on the reasons detailed herein. Defense motions are presently due today.

This is my third and final such extension request. After several conferences with the Government and scheduled and re-scheduled calls with Mr. Tavarez, I am advised that I have received their final plea offer. This afternoon, I received a written plea agreement reflecting the terms of the offer. I believe I will require roughly 2-weeks to discuss its terms and related issues with my client. Within the requested extension period, should there not be a disposition, I will submit defense motions.

Accordingly, should there be no disposition, I would request that the Court permit me until June 4<sup>th</sup>, 2021 for defense motions, June 18<sup>th</sup> for the Government's response, and June 25<sup>th</sup> for our reply, if any. We would ask that the Court set a convenient date thereafter, for an adjournment of the conference, which is presently scheduled for June 18, 2021.

On behalf of Mr. Tavarez, we waive speedy trial time through whatever date the Court sets, based on the reasons contained within this request and in the interests of justice.

The Court's consideration is greatly appreciated.

Respectfully,

/s/ *Barry S. Zone*

Barry S. Zone

cc: AUSA Aline Flodr  
AUSA Nicholas Chiuchiolo  
AUSA Mollie Bracewell

Application GRANTED, with the understanding that no further extensions will be granted. Defendant's motions, if any, shall be due on or before June 4, 2021; the Government's opposition shall be due on or by June 18, 2021; and Defendant's reply shall be due on or by June 25, 2021.

The oral argument scheduled for June 18, 2021, is hereby ADJOURNED to July 7, 2021, at 10:00 a.m., in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York.

It is further ORDERED that time is excluded under the Speedy Trial Act between June 18, 2021, and July 7, 2021. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the defendant in a speedy trial because it will permit defense counsel to prepare any pretrial motions and permit the parties to consider a pre-trial disposition.

Dated: May 20, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE